

COMMISSIONER FOR PATENTS
P.O. Box 1450, Alexandria, VA 22313-1450



1615
Docket No.: 478.1011
Date: September 9, 2004

In re application of: David GANDERTON, et al.
Serial No.: 09/857,392
Filed: December 7, 2001
For: IMPROVEMENTS IN OR RELATING TO POWDERS

Sir:

Transmitted herewith is an **Response to Notice of Non-Compliant Amendment** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	PRESENT	AMENDMENT	RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	EXTRA						
TOTAL CLAIMS	* Minus**	=	0		x \$	9		x \$	18
INDEP. CLAIMS	* Minus***	=	0		x \$	42		x \$	84
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+	\$140		+	\$280

TOTAL: \$ OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☐ Other:
☐ Check(s) in the amount of \$**.00** is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on September 9, 2004.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:
 Elizabeth Piekrowski



478.1011

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/857,392
Applicant : David GANDERTON, et al.
Filed : December 7, 2001
Art Unit : 1615
Examiner : Carlos A. Azpuru
For : **IMPROVEMENTS IN OR RELATING TO
POWDERS**

RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT UNDER 37 CFR 1.121

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 9, 2004

Sir:

In response to the Notice of Non-Compliant Amendment dated August 25, 2004, Applicants respectfully submit a corrected version of the "Amendment to the Claims" section of the previously submitted July 23, 2004 response, which begins on page 2 of this paper.